

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

KAPILDEO SINGH, LAWRENCE
DUMAIN, IRA WALLACH,
BRIAN WALLACH, YVES SARRAZIN,
ERLIN HILL, BRUCE SOULSBY, and
ALAN WEISENBERG

Plaintiffs,

v.

AMERICAN RACING-TIOGA DOWNS
INC., d/b/a TIOGA DOWNS CASINO AND
RACEWAY, AMERICAN RACING-
VERNON DOWNS INC., d/b/a VERNON
DOWNS RACETRACK, AMERICAN
RACING AND ENTERTAINMENT, LLC,
NEW MEADOWLANDS RACETRACK,
LLC., d/b/a MEADOWLANDS
RACETRACK, and JEFFREY R. GURAL
in his individual and official capacities,

Defendants.

Civil Action No. 3:21-cv-947 (LEK/ML)

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT
TO FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law in Support of their Motion to Dismiss, the Declaration of Lawrence Bluestone, Esq., attaching public record documents, and upon all the papers and proceedings had herein, Defendants American Racing-Tioga Downs Inc. d/b/a Tioga Downs Casino and Raceway, American Racing-Vernon Downs Inc. d/b/a Vernon Downs Racetrack, American Racing and Entertainment, LLC, New Meadowlands Racetrack LLC d/b/a Meadowlands Racetrack, and Jeffrey R. Gural (collectively, "Defendants"), through their undersigned counsel, will move before the above-named Court for an Order pursuant to Fed. R. Civ. P. 12(b)(6), dismissing with prejudice the Complaint filed by Plaintiffs Kapildeo Singh, Lawrence Dumain, Ira Wallach, Brian Wallach, Yves Sarrazin, Erlin Hill, Bruce Soulsby,

and Alan Weisenberg (“Plaintiffs”) for failure to state a claim upon which relief can be granted, together with such other or further relief as may be just.

Respectfully submitted,

Dated: October 27, 2021

GENOVA BURNS, LLC

By: /s/ Angelo J. Genova
Angelo J. Genova
James Bucci
Lawrence Bluestone
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CERTIFICATE OF SERVICE

I certify that on this date, I caused to be filed on the Court's CM/ECF system Defendant's Notice of Motion to Dismiss, the Memorandum of Law in Support of their Motion to Dismiss, and the Declaration of Lawrence Bluestone, Esq., with exhibits, which caused a copy of those documents to be served on counsel of record for the parties.

Dated: October 27, 2021

/s/ Lawrence Bluestone

LAWRENCE BLUESTONE

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